

Attorney Docket A-035 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeffrey A. Trogolo et. al.

Application No.: 10/032,372

Filed: December 21, 2001

For: Encapsulated Inorganic Antimicrobial Additive
for Controlled Release

Examiner: Choi, Frank I.

Group Art Unit: 1616

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OCT 23 2003

CERTIFICATE OF TRANSMISSION

I hereby certify that this document, together with the appended Credit Card Authorization and Fee Transmittal, is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on October 23, 2003.


Edward K. Welch II

OFFICIAL

**AMENDMENT AND RESPONSE TO OFFICE ACTION DATED APRIL 23, 2003
AND PETITION FOR A THREE-MONTH EXTENSION OF TIME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action issued on April 23, 2003 with respect to the above-identified pending patent application, please enter the following amendment and response. Amendments to the Claims begin on page 2. The Remarks begin on page 6. The Petition for Three Month Extension of Time is found on page 10.

/pat/microencap/3.26.03 response

USSN 10/032,372

Atty. Dkt. A-035 US

release and give up the metal ions for recovery. In the latter respect, as noted by the Patent Office, nitric acid is added to the solution to drive the release of the silver ions. However, nothing in Wada et al. suggest that various dopants, as taught by the present invention, could be added to a polymer encapsulant which is then used to coat or form clusters of zeolite or other ion-exchange material for the purpose of aiding or accelerating the release of the antimicrobial metal ions from the zeolite or other carrier upon the exposure of a polymer article in which the encapsulated antimicrobial agent is entrained to water or water vapor. Certainly, one would not envision attempting to incorporate nitric acid or other caustic materials into a polymer. Thus, is not believed that Wada et. al. provide any guidance or suggestion to the use of dopants in and in conjunction with the encapsulated antimicrobial agents of the present invention.

Contrary to the assertions of the Patent Office, none of the cited art, alone or in combination, speak of, suggest, infer or motivate one to produce the particulate, encapsulated antimicrobial agents of the present invention and employ them in polymer compositions for enhance antimicrobial efficacy and control. Consequently, applicants respectfully request that the rejections be withdrawn and the application, as amended above, be passed on to allowance.

Petition For Extension of Time

By this response, Applicants hereby petition for a three-month extension of time; thereby extending the response period from July 23, 2003 to and including October 23, 2003. Enclosed is payment of the Petition Fee in the amount of \$475.00.

Fees

Enclosed is Credit Card Authorization in the amount of \$475.00 as payment of the Petition Fee for the Petition for Three Month Extension of Time. No addition fees are necessary as no new claims have been added.

USSN 10/032,372

Atty. Dkt. A-035 US

Applicants believe all matters raised in the Office Action have been fully addressed. Should there be any questions, please contact the undersigned, Applicant's attorney.

Respectfully submitted,



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Approved for use through 07/31/2006. OMB 0831-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**475.00****Complete if Known**

Application Number	107032,372
Filing Date	12/21/2001
First Named Inventor	Jeffrey A. Trogolo
Examiner Name	EPI. Choi
Art Unit	1616
Attorney/Agent No.	A-035 US

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:

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☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 305	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 630	2003 285	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	30+ =	X	
Multiple Dependent	3+ =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	Reissue independent claims over original patent
1205 18	2205 9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

*or number previously paid, if greater. For Reissues, see 95000

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
7051 130	2051 85	Surcharge - late filing fee or oath	
1052 60	2052 28	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,820	1812 2,520	For filing a request for ex parte reexamination	
1804 820*	1804 920*	Requesting publication of BRI prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of BRI after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	
1254 1,450	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Motion of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1602 480	2602 240	Design issue fee	
1503 840	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**475.00****SUBMITTED BY**

Name (Print/Type)

Edward K. Welch II

Registration No.

30,899

(Complete if applicable)

Telephone 781-224-7165

Signature

Date

10/23/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THE USPTO.

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